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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2011 - 877

12 **MARIA TERESA HALL, also known as**  
13 **MARIA TERESA GONZALEZ, also known**  
14 **as MARIA TERESA GONZALEZ RIVAS**  
185 El Pinar  
La Selva Beach, CA 95076

**FIRST SUPPLEMENTAL ACCUSATION**

15 **Registered Nurse License No. 456676**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about August 31, 1990, the Board of Registered Nursing issued Registered  
24 Nurse License Number 456676 to Maria Teresa Hall, also known as Maria Teresa Gonzalez, and  
25 also known as Maria Teresa Gonzalez Rivas (Respondent). The Registered Nurse License was in  
26 full force and effect at all times relevant to the charges brought in this Accusation and will expire  
27 on November 30, 2011, unless renewed.

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1 (d) Violating or attempting to violate, directly or indirectly, or assisting in or  
2 abetting the violating of, or conspiring to violate any provision or term of this chapter  
3 [the Nursing Practice Act] or regulations adopted pursuant to it.

4 (e) Making or giving any false statement or information in connection with the  
5 application for issuance of a certificate or license.

6 (f) Conviction of a felony or of any offense substantially related to the  
7 qualifications, functions, and duties of a registered nurse, in which event the record of  
8 the conviction shall be conclusive evidence thereof.

9 ...

10 10. Code section 2762 states, in pertinent part:

11 In addition to other acts constituting unprofessional conduct within the meaning  
12 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person  
13 licensed under this chapter to do any of the following:

14 (a) Obtain or possess in violation of law, or prescribe, or except as directed by  
15 a licensed physician and surgeon, dentist, or podiatrist administer to himself or  
16 herself, or furnish or administer to another, any controlled substance as defined in  
17 Division 10 (commencing with Section 11000) of the Health and Safety Code or any  
18 dangerous drug or dangerous device as defined in Section 4022.

19 (b) Use any controlled substance as defined in Division 10 (commencing with  
20 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous  
21 device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner  
22 dangerous or injurious to himself or herself, any other person, or the public or to the  
23 extent that such use impairs his or her ability to conduct with safety to the public the  
24 practice authorized by his or her license.

25 ...

26 (e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible  
27 entries in any hospital, patient, or other record pertaining to the substances described  
28 in subdivision (a) of this section.

11. Code section 4022 provides:

“Dangerous drug” ... means any drug or device unsafe for self use in humans  
or animals, and includes the following:

(a) Any drug that bears the legend: “Caution: federal law prohibits dispensing  
without prescription,” “Rx only,” or words of similar import.

(b) Any device that bears the statement: “Caution: federal law restricts this  
device to sale by or on the order of a \_\_\_\_\_,” “Rx only,” or words of similar

1 import, the blank to be filled in with the designation of the practitioner licensed to  
2 use or order use of the device.

3 (c) Any other drug or device that by federal or state law can be lawfully  
4 dispensed only on prescription or furnished pursuant to Section 4006.

5 12. Code section 4059, subdivision (a), provides, in pertinent part, that "[n]o person shall  
6 furnish any dangerous drug, except upon the prescription of a physician . . ."

7 13. Code section 4060 provides, in pertinent part that "[n]o person shall possess any  
8 controlled substance, except that furnished to a person upon the prescription of a physician . . ."

### 9 REGULATORY PROVISIONS

10 14. California Code of Regulations, title 16, section 1444, states, in part:

11 A conviction or act shall be considered to be substantially related to the  
12 qualifications, functions or duties of a registered nurse if to a substantial degree it  
13 evidences the present or potential unfitness of a registered nurse to practice in a  
14 manner consistent with the public health, safety, or welfare. Such convictions or acts  
15 shall include but not be limited to the following:

16 . . .

17 (c) Theft, dishonesty, fraud, or deceit.

18 . . .

19 15. California Code of Regulations, title 16, section 1442, states:

20 As used in Section 2761 of the code, 'gross negligence' includes an extreme  
21 departure from the standard of care which, under similar circumstances, would have  
22 ordinarily been exercised by a competent registered nurse. Such an extreme  
23 departure means the repeated failure to provide nursing care as required or failure to  
24 provide care or to exercise ordinary precaution in a single situation which the nurse  
25 knew, or should have known, could have jeopardized the client's health or life.

26 16. California Code of Regulations, title 16, section 1443.5 states, in pertinent part:

27 A registered nurse shall be considered to be competent when he/she  
28 consistently demonstrates the ability to transfer scientific knowledge from social,  
biological and physical sciences in applying the nursing process, as follows:

(1) Formulates a nursing diagnosis through observation of the client's  
physical condition and behavior, and through interpretation of information  
obtained from the client and others, including the health team.

. . .

1 (5) Evaluates the effectiveness of the care plan through observation of the  
2 client's physical condition and behavior, signs and symptoms of illness, and  
3 reactions to treatment and through communication with the client and health team  
4 members, and modifies the plan as needed.

5 ...

#### 6 COST RECOVERY

7 17. Code section 125.3 provides, in pertinent part, that the Board may request the  
8 administrative law judge to direct a licensee found to have committed a violation or violations of  
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
10 enforcement of the case.

#### 11 DRUGS

12 18. **Hydrocodone APAP** is the generic name for trade name drug Vicodin and is  
13 comprised of Hydrocodone Bitartrate (a semisynthetic opioid analgesic and antitussive) and  
14 Acetaminophen. It is a Schedule III controlled substance pursuant to Health and Safety Code  
15 section 11056, subdivision (e)(3), and a dangerous drug pursuant to Business and Professions  
16 Code section 4022.

17 19. **Morphine Sulfate** and **Morphine PCA** are opium derivatives. They are Schedule II  
18 controlled substances and narcotics as defined by Health and Safety Code section 11055,  
19 subdivision (b)(1)(M), and "dangerous drugs" pursuant to Business and Professions Code section  
20 4022.

21 20. **Oxycodone** and **Oxycodone CR UD** are the generic drug names for **Oxycontin** and  
22 are derived from the opium alkaloid, thebaine. Oxycodone is a semisynthetic narcotic analgesic  
23 with multiple actions qualitatively similar to those of morphine. They are Schedule II controlled  
24 substances and narcotics as defined by Health and Safety Code section 11055, subdivision (b)(1),  
25 and "dangerous drugs" pursuant to Business and Professions Code section 4022.

26 21. **Oxycodone/APAP** is the generic name for the trade drug **Percocet** and is comprised  
27 of Oxycodone with Acetaminophen. Oxycodone is a white odorless crystalline powder derived  
28 from the opium alkaloid, thebaine, and is a semisynthetic narcotic analgesic with multiple actions  
qualitatively similar to those of morphine. It is a Schedule II controlled substance and narcotic as

1 defined by Health and Safety Code section 11055, subdivision (b)(1), and a "dangerous drug"  
2 pursuant to Business and Professions Code section 4022.

3 **FACTUAL STATEMENT**

4 22. From February 7, 1990, through an undetermined date after 2003, Respondent was  
5 employed, intermittently, as a registered nurse by Dominican CHW Hospital in Santa Cruz,  
6 California. During the course and scope of her employment, Respondent committed the  
7 following acts:

8 a. In June, July, and September 2003 and March 2004, Respondent obtained doses of  
9 controlled substances from PYXIS<sup>1</sup> allegedly for administration to patients. However,  
10 Respondent failed to document pre and/or post medication assessments, failed to document the  
11 administration of the medication on the patient's medication administration record (MAR), and/or  
12 failed to chart the wastage of or otherwise account for the medication. The 17 discrepancies are  
13 summarized as follows:

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27 <sup>1</sup> PYXIS is a system for the automated dispensing and management of medications at the  
28 point of use in hospital settings.

PATIENT NO. <sup>2</sup>	DATE	TIME REMOVED FROM PYXIS	TIME GIVEN	DRUG REMOVED FROM PYXIS	DISCREPANCY
1	6/23/03	0940 hours	0940 hours	2 tablets Hydrocodone APAP 5 mg	No pre and post patient assessment  Failed to document in MAR the dosage administered
1	6/23/03	1344 hours	1400 hours	2 tablets Hydrocodone APAP 5 mg	No pre and post patient assessment  Failed to enter initials in MAR when administered the drugs  Failed to enter in MAR the dosage administered
1	6/24/03	0953 hours	0950 hours	2 tablets Hydrocodone APAP 5 mg	No pre and post patient assessment  Failed to enter initials in MAR when drugs were administered  Failed to enter in MAR the dosage administered
1	6/24/03	1421 hours	1430 hours	2 tablets Hydrocodone APAP 5 mg	No pre and post patient assessment  Failed to enter initials in MAR when drugs administered

<sup>2</sup> All patients are identified by number in order to preserve patient confidentiality. The medical record numbers of these patients will be disclosed pursuant to a request for discovery.

PATIENT	DATE	TIME REMOVED FROM PYXIS	TIME GIVEN	DRUG REMOVED FROM PYXIS	DISCREPANCY
2	6/27/03	0857 hours	0900 hours	2 tablets Hydrocodone APAP 5 mg	No pre and post patient assessment  Failed to enter initials in MAR when drugs administered  Failed to enter in MAR the dosage administered
2	6/28/03	1015 hours	None	2 tablets Hydrocodone APAP 5 mg	No pre and post patient assessment  Failed to enter in MAR that she administered, wasted, or otherwise account for the drugs
3	6/29/03	0750 hours	None	1 tablet Oxycodone CR UD 20 mg	No pre and post patient assessment  Wasted 1 tablet in PYXIS without a witness co-signature  Failed to complete nursing/progress notes
3	6/30/03	0745 hours	None	1 tablet Oxycodone CR UD 20 mg	No pre and post patient assessment  Wasted 1 tablet in PYXIS without a witness co-signature  Failed to enter in MAR that she administered, wasted, or otherwise account for the drugs



PATIENT	DATE	TIME REMOVED FROM PYXIS	TIME GIVEN	DRUG REMOVED FROM PYXIS	DISCREPANCY
4	7/21/03	1033 hours	None	2 tablets Hydrocodone APAP 5 mg	No pre and post patient assessment  Failed to enter in MAR that she administered, wasted, or otherwise account for the drugs
5	7/25/03	0836 hours	"08" hours	2 tablets Oxycodone APAP 5/325 mg	Failed to enter in MAR the dosage administered
5	7/25/03	1248 hours	None	1 tablet Oxycodone CR UD 20 mg	Failed to enter in MAR that she administered, wasted, or otherwise account for the drugs
6	9/12/03	0851 hours	1015 hours	2 tablets Oxycodone APAP 5/325 mg	No pre and post patient assessment  Entered in MAR that administered drugs 1.2 hours after withdrawn
6	9/12/03	0851 hours	None	1 tablet Oxycodone CR UD 10 mg	Failed to enter in MAR that she administered, wasted, or otherwise account for the drugs
7	9/12/03	0829 hours	"09" hours	2 tablets Hydrocodone APAP 5 mg	No pre and post patient assessment  Failed to enter in MAR the dosage administered  Failed to clearly chart in MAR the time of administration

PATIENT	DATE	TIME REMOVED FROM PYXIS	TIME GIVEN	DRUG REMOVED FROM PYXIS	DISCREPANCY
8	9/12/03	1212 hours	1210 hours	2 tablets Hydrocodone APAP 5 mg	No pre and post patient assessment  Failed to enter in MAR the dosage she administered  Charted that she administered drug but then returned 2 tablets to PYXIS at 1418 hours
9	3/20/04	0835 hours	0845 hours	2 tablets Oxycodone/AP AP 5/325 mg	Failed to enter in MAR the dosage administered
9	3/23/04	0835 hours	0845 hours	1 dose Morphine Sulfate 2 mg -1 ml syringe	Failed to enter in MAR the dosage she administered, wasted, or otherwise account for the drugs
9	3/20/04	0839 hours	0845 hours	1 dose Morphine PCA Activated 100 mg	Failed to enter in MAR the dosage she administered, wasted, or otherwise account for the drugs

23. On or about April 9, 1990, Respondent submitted to the Board an application for licensure certifying under oath that her date of birth is October 3, 1958. However, her government-issued identification documents, including a California Driver's License and U.S. Passport, indicate that her date of birth is November 6, 1958.

24. On or about August 11, 2005, in a prior criminal proceeding entitled *People v. Maria Teresa Hall* in Santa Cruz County Superior Court, Case Number M29314, Respondent was convicted of violating Penal Code section 484 (Petty Theft), a misdemeanor and was ordered to serve 5 days in jail, complete 24 months of probation and to comply with other terms and conditions. The record of the criminal proceeding is incorporated as if fully set forth.

1           25. On or about September 29, 2004, in a prior criminal proceeding entitled *People v.*  
2 *Maria Teresa Gonzalez* in Santa Cruz County Superior Court, Case Number M18505,  
3 Respondent was convicted of violating Penal Code section 484 (Petty Theft), a misdemeanor and  
4 was ordered to serve 12 months of probation, pay a fine, and to comply with other terms and  
5 conditions. The record of the criminal proceeding is incorporated as if fully set forth.

6           26. On or about December 19, 1990, in a prior criminal proceeding entitled *People v.*  
7 *Maria Teresa Gonzalez* in Santa Cruz County Superior Court, Case Number 4013782,  
8 Respondent was convicted of violating Penal Code section 484 (Petty Theft), a misdemeanor and  
9 was ordered to serve 12 months of probation, pay a fine, and to comply with other terms and  
10 conditions. The record of the criminal proceeding is incorporated as if fully set forth.

11           27. Respondent renewed her Registered Nursing License with the Board every two years  
12 and failed to report her three convictions, as set forth in Paragraphs 24-26, above.

13           28. On or about March 24, 2004, during the course of an investigation, Respondent  
14 denied having any convictions when asked by a Department of Investigations investigator.

15           29. Respondent admitted to having an alcohol and substance abuse disorder from 1999  
16 through 2003, and to completing drug and alcohol rehabilitation in 2000 and 2003.

17           30. On February 27, 2004, the Santa Cruz Superior Court ordered that Respondent's ex-  
18 husband be awarded primary physical custody of their children based upon Respondent's alcohol  
19 problems.

20           31. On or about March 9, 2011, in a prior criminal proceeding entitled *People v. Maria*  
21 *Teresa Gonzalez* in Santa Cruz County Superior Court, Case Number M57100, Respondent was  
22 convicted of violating Penal Code section 484, subdivision (a), (Petty Theft), a misdemeanor, for  
23 taking merchandise without paying from Sunnyside Produce Market in Soquel, California.  
24 Respondent was ordered to serve 24 months of probation, serve 1 day in county jail, complete 30  
25 days of community service, pay a fine, and to comply with other terms and conditions. The  
26 record of the criminal proceeding is incorporated as if fully set forth.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct: Gross Negligence)**  
3 **(Business and Professions Code §2761(a)(1))**

4 32. Respondent has subjected her registered nursing license to discipline under Code  
5 section 2761, subdivision (a)(1), for unprofessional conduct, as defined by California Code of  
6 Regulations, title 16, section 1442, in that she was grossly negligent in carrying out her usual  
7 certified or licensed nursing functions by committing the following acts:

8 a. On the 11 occasions more particularly set forth in Paragraph 22, above, as to Patients  
9 1, 2, 3, 6, and 7, she failed to comply with the Standards of Competent Performance as defined by  
10 California Code of Regulations, title 16, section 1443.5 by administering narcotic medications to  
11 patients without proper documentation, including the failure to chart the dosage administered, the  
12 time of administration, and the failure to initial the chart to indicate that she was the nurse who  
13 administered the medication.

14 b. On the 18 occasions more particularly set forth in Paragraph 22, above, she knew or  
15 should have known that obtaining, possessing, or administering controlled substances other than  
16 as prescribed by a licensed physician could have jeopardized the health or life of patient(s), self,  
17 and others by exposure to highly addictive and potentially harmful or lethal medication.

18 c. On the 19 occasions more particularly set forth in Paragraph 22, above, she knew or  
19 should have known that creating false, incorrect, inaccurate, incomplete, inconsistent, or  
20 unintelligible entries in patient or hospital records could jeopardize the health or life of the patient  
21 by confusing or misleading other health care providers as to the patients' condition and need for  
22 medications and treatments. Failure to accurately track and account for highly addictive and  
23 potentially harmful or lethal medications could have jeopardized the health or life of patients, and  
24 endangered others by exposure to dangerous drugs.

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1 e. Charted the administration of medication but two hours later, returned to PYXIS the  
2 entire dosage of the medication that was withdrawn.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct: Use of Controlled Substances)**  
5 **(Business and Professions Code §§ 2761(a) and 2762(b))**

6 35. Respondent's registered nurse license is subject to discipline under section 2761,  
7 subdivision (a), of the Code for unprofessional conduct, as defined by Code section 2762,  
8 subdivision (b), in that while employed as a registered nurse at Dominican CHW Hospital in  
9 Santa Cruz,, California, she admittedly used controlled substances and dangerous drugs to an  
10 extent or in a manner dangerous or injurious to herself, any other person, or the public or to the  
11 extent that such use impaired her ability to conduct with safety to the public the practice  
12 authorized by her license, as set forth in Paragraphs 22, 29, and 30, above.

13 **FIFTH CAUSE FOR DISCIPLINE**

14 **(Unprofessional Conduct: False Information on Application)**  
15 **(Business and Professions Code §2761(e) )**

16 36. Respondent has subjected her registered nursing license to discipline under Code  
17 section 2761, subdivision (e), in that she committed acts of unprofessional conduct by submitting  
18 false information to the Board on her sworn application for licensure and for renewal. As set  
19 forth in Paragraphs 24-26, above, Respondent was convicted of 3 misdemeanors since the Board  
20 issued a registered nursing license to her. On the occasions more particularly set forth in  
21 Paragraphs 23, 27, and 28, above, she committed the following acts:

22 a. Provided a false date of birth on her application for licensure; and

23 b. Failed to report that she was convicted of three crime since she last renewed her  
24 license.

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**SIXTH CAUSE FOR DISCIPLINE**

**(Unprofessional Conduct: Convictions of Substantially Related Crimes)  
(Business and Professions Code §§ 490 and 2761(f))**

37. Respondent has subjected her registered nursing license to discipline under Code sections 490 and 2761, subdivision (f), in that she was convicted of 4 offenses that are substantially related to the qualifications, functions, and duties of a Registered Nurse, within the meaning of California Code of Regulations, title 16, section 1444. The circumstances are set forth in Paragraphs 24 through 26 and 31, above.

**PRAAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 456676, issued to Maria Teresa Hall also known as Maria Teresa Gonzalez, and also known as Maria Teresa Gonzalez Rivas;

2. Ordering Maria Teresa Hall, also known as Maria Teresa Gonzalez, and also known as Maria Teresa Gonzalez Rivas to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

3. Taking such other and further action as deemed necessary and proper.

DATED: \_\_\_\_\_

5/18/11

*Stacie Ben*

*for*

LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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